IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITON NO.550 OF 2005

Nazir-ur @ Shaikh Abdul Kadir ..Petitioner.
V/s.
Commissioner of Customs & Ors. ..Respondents.

Mr.V.M. Advani with A.M. Sachwani i/b. Advani, Sachwani for petitioner.

Mr.H.V. Mehta with A.S. Rao for respondents.

CORAM : S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 3RD MARCH, 2005.

P.C. :-

1. Heard the learned counsel for the petitioner and the respondents. By this petition, the petitioner is challenging the order dated 14th June, 2004 passed by CESTAT. In the above matter, the Tribunal has set aside the penalties and has upheld the confiscation of the goods. The records show that the petitioner himself has stated in his statement recorded under section 108 of the Customs Act on 28th March, 2002 that one Ramji of Chennai had handed over the goods to him to hand over the same to one Rajesh in Mumbai and that he does not know the whereabouts of either Ramji or Rajesh. Under these circumstances, there is absolutely no material to substantiate that the petitioner is the owner of the goods and if the petitioner is not the owner, he is in no way concerned with the confiscation of the said goods. The petition is devoid of any merit and hence stands dismissed.

(S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)